

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Estate
of Bernard L. Madoff,

Plaintiff,

v.

SQUARE ONE FUND LTD.,

Defendant.

Adv. Pro. No. 10-04330 (CGM)

**STIPULATION AND ORDER
FOR SIXTH AMENDED CASE MANAGEMENT PLAN**

WHEREAS pursuant to Federal Rules of Civil Procedure 16 and 26, as incorporated by Bankruptcy Rules 7016 and 7026, Plaintiff Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff under chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 701, *et seq.*, and Defendant Square One Fund Ltd. (“Square One,” and with the Trustee, the

“Parties”), stipulated to the Case Management Plan, which was entered by this Court on July 16, 2019 (ECF No. 178);

WHEREAS, on August 26, 2021, this Court entered the Order Amending Case Management Plan (ECF No. 230);

WHEREAS, on May 16, 2022, this Court signed the Stipulation and Order for Second Amended Case Management Plan (ECF No. 245);

WHEREAS, on November 10, 2022, this Court signed the Stipulation and Order for Third Amended Case Management Plan (ECF No. 259);

WHEREAS, on December 29, 2022 this Court entered the Stipulation and Order for Fourth Amended Case Management Plan (ECF No. 260);

WHEREAS, on May 5, 2023 this Court entered the Stipulation and Order for Fifth Amended Case Management Plan (ECF No. 269) (“Fifth Amended Case Management Plan”);

WHEREAS, the Fifth Amended Case Management Plan ordered that all expert discovery under Section 3(a) of the Case Management Plan shall be completed by February 29, 2024;

WHEREAS, the Fifth Amended Case Management Plan ordered that all disclosures of expert opinions under Section 3(b) of the Case Management Plan shall be completed by September 29, 2023;

WHEREAS, the Fifth Amended Case Management Plan ordered that all disclosures of rebuttal expert opinions under Section 3(b) of the Case Management Plan shall be completed by October 30, 2023;

WHEREAS, the Fifth Amended Case Management Plan ordered that all applications for permission of the Court for expert testimony beyond the scope of the opinion covered by the

disclosures under Section 3(b) of the Case Management Plan shall be completed by November 10, 2023;

WHEREAS, the Fifth Amended Case Management Plan ordered that all disclosures and requested production of documents underlying expert opinions and rebuttal expert opinions under Section 3(b) of the Case Management Plan shall be completed by November 30, 2023; and

WHEREAS, the Fifth Amended Case Management Plan ordered that the parties conduct all depositions of expert witnesses under Section 3(c) of the Case Management Plan not earlier than 30 days after completion of document production set forth above and no later than January 30, 2024; and

WHEREAS, the Trustee has brought a spoliation motion against Square One (the “Discovery Dispute”) before a discovery arbitrator (the “Discovery Arbitrator”), which is currently scheduled to be heard on August 10, 2023, the result of which might affect the nature and scope of expert testimony in this adversary proceeding; and

WHEREAS, the Parties have agreed to a further extension of all expert discovery deadlines to dates calculated from 15 days after the issuance by the Discovery Arbitrator of a decision in the Discovery Dispute (the “Arbitrator Decision) if there is no appeal from the Arbitrator Decision or, if there is an appeal, the date of entry of the decision in any appeal therefrom (the later of the two dates, the “Decision Date”), maintaining the relative time periods for deadlines provided in the Fifth Amended Case Management Plan;

NOW THEREFORE, it is ORDERED that the deadline for the Parties to:

(i) complete all expert discovery under Section 3(a) of the Case Management Plan shall be extended to 240 days after the Decision Date;

(ii) make all disclosures of expert opinions under Section 3(b) of the Case Management Plan shall be extended to 90 days after the Decision Date;

(iii) make all disclosures of rebuttal expert opinions under Section 3(b) of the Case Management Plan shall be extended to 120 days after the Decision Date;

(iv) make all applications for permission of the Court for expert testimony beyond the scope of the opinion covered by the disclosures under Section 3(b) of the Case Management Plan shall be extended to 130 days after the Decision Date;

(v) make all disclosures and requested production of documents underlying expert opinions and rebuttal expert opinions under Section 3(b) of the Case Management Plan shall be extended to 150 days after the Decision Date; and

(vi) conduct all depositions of expert witnesses under Section 3(c) of the Case Management Plan not earlier than 30 days after completion of document production set forth above and no later than 210 days after the Decision Date.

Dated: July 10, 2023
New York, New York

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Dated: July 13, 2023
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge